



98001/1630  
JUN 22 2004

TECH CENTER 1600/2330

PATENT  
13024/35946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ) I hereby certify that this paper and  
McMICHAEL et al. ) the documents referred to as  
Serial No.: 09/495,186 ) enclosed therewith are being  
Filed: February 1, 2000 ) deposited with the United States  
Postal Service as first class mail,  
For: TREATMENT OF SYMPTOMS ) postage prepaid, in an envelope  
OF ASTHMA, ALLERGIES AND ) addressed to Mail Stop Petition,  
OTITIS MEDIA ) Commissioner for Patents, P.O.  
Group Art Unit: 1632 ) Box 1450, Alexandria, Virginia  
Examiner: Michael C. Wilson ) 22313-1450 on this date:  
\_\_\_\_\_  
Jeffrey S. Sharp  
Registration No. 31,879  
Attorney for Applicants

**PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT (37 C.F.R. § 1.181(a))**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This paper is filed in response to the Notice of Abandonment mailed on May 18, 2004. The notice of abandonment alleges that applicants failed to timely file a response to the Office Action mailed on September 11, 2003. As established by the enclosed documents, this assertion is incorrect. A transmittal of Applicants' Response After Final Rejection Under 37 C.F.R. §1.116 (with Exhibits A, B & C); a Petition for a Three-Month Extension of Time; a Request for Continued Examination (RCE); appropriate certificates of mailing for each document dated March 8, 2004; and our check in the amount of \$860.00 (Exhibit A) were sent to the Patent Office in a timely fashion. In fact, all of the above-noted documents were received by the Patent Office on March 11, 2004 as indicated by the attached copy of the stamped return receipt postcard (Exhibit B).

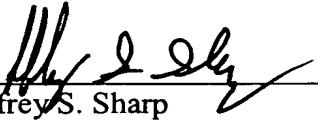
Please withdraw the holding of abandonment and issue this application.

Applicants understand that no fees are due in connection with this petition. However, if any fees are due, the Commissioner is authorized to deduct said fees from deposit Account No. 13-2855.

Respectfully submitted,

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**June 10, 2004**

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